



**Testimony of Neil Hernandez
Commissioner**

Fiscal Year 2010 Executive Budget

Monday, May 18, 2009—12:00 pm
Council Chambers, City Hall

Good morning Chairs Gonzalez and Weprin and members of the Juvenile Justice and Finance Committees. Thank you for the opportunity to be heard on the executive Fiscal Year 2010 budget for the Department of Juvenile Justice. I am Neil Hernandez, Commissioner of the agency. Joining me is Judith Pincus, First Deputy Commissioner, and Jacqueline James, Deputy Commissioner for Administration and Policy.

Juvenile Justice Reform

DJJ is working diligently to support the City's reform of the Juvenile Justice system, which includes helping to ensure that low and moderate-risk youth, which comprise a large number of admissions to juvenile detention each year, are spared unnecessary or long stays in detention. By collaborating in partnership with the Mayor's Office, the Family Courts, and our sister agencies on initiatives such as the use of the Risk Assessment Instrument, the Weekend Arraignment Initiative and the Release to Parent Policy Initiative, DJJ will continue efforts to help move the City closer to this goal. Taken together, these initiatives, and others have helped to reduce the number of youth placed in State facilities. The historical rate of recidivism at the State level has been so high that these initiatives can have long-term positive implications on public safety and better outcomes for children enmeshed in the juvenile justice system. State placements were down by three percent during Fiscal 2009 July through February compared to the same period last year.

The Youth Programs Block Grant

The Governor's preliminary budget announced the Youth Services Block Grant, which would have combined the several streams that fund juvenile detention and youth services. This proposal has been defeated, after successful lobbying by the Mayor's Office of State Legislative Affairs, DJJ, the Department of Youth and Community Development, and various juvenile detention associations in New York State.

The block grant's defeat eliminated a potentially significant risk to DJJ's budget and core mission, however the Department continues to face some challenges. The State reimbursement for juvenile detention will remain at the 49-51 split implemented by the State Office of Children and Family Services in Fiscal Year 2009.

Detention Trends

Through the current Citywide Performance Reporting period, July 2008 through February 2009, the average daily population increased by less than one percent. During the same period, total admissions to detention increased by 4.6 percent, but average length of stay decreased one day. In essence, population levels have remained the same as compared to last year, and as discussed during our preliminary budget testimony on March 25th, the concentration of youth with more complex cases in secure detention has increased because of the judiciary's usage of the Risk Assessment Instrument.

FY 2010 Budget

In Fiscal Year 2010, the Department's total budget is approximately \$131 million, a reduction from Fiscal Year 2009, reflecting utilization of funding from the City Council, funding for the Collaborative Family Initiative and the last two PEG reductions. Approximately \$60 million of the Department's budget supports payments the City makes to the State for placements of City youth into State-run facilities.

Fiscal Year 2010 Challenges

The City's current fiscal reality has forced many agencies to make difficult, but critical decisions. In Fiscal Year 2009, Mayor Bloomberg announced two PEGs: a seven-percent PEG on all mayoral agencies in January, followed by a four-percent PEG in April.

Four-percent PEG reduction

The four-percent PEG represents approximately a \$1.4 million reduction in City Funds to the Department's Budget. The Executive Budget identifies the elimination of 49 vacant—25 City funded and 24 State funded—positions in various titles, including direct juvenile care positions. The elimination of these vacancies represents a five-percent reduction in DJJ's headcount, as identified in the January Financial Plan, from 961 to 912.

However, the Department will actually need to eliminate approximately 54 vacancies to achieve the savings. This is because the average salary used to determine

the \$1.4 million reduction is higher than the Department's average salary for its vacancies.

As of the January Financial Plan, the Department will have approximately 158 vacancies. The Department counts vacancies as unfilled posts. The Department has not finalized the vacancies to be eliminated, but anticipates that some of these positions will include security positions, which could impede the enhancement of security to prevent contraband and the timing of back-up responses when direct childcare staff need assistance. In addition, some of these positions will be administrative, inhibiting the Department's business processes.

As discussed during the Department's Preliminary Budget Hearing on March 25th, the Department eliminated 11 staff positions as part of its integration of Discharge Planning Services into Case Management Services. These eleven positions are separate from the 49 positions identified for reduction in this Executive Plan.

The Department had hoped to work with these staff to find new positions within the agency from among the vacancies available. There is a chance that some positions suitable for these staff may be eliminated as part of this PEG reduction. The Department will need to work within its remaining vacancies to assist these staff with finding new placements within DJJ, but the Department does not plan to lay anyone off.

Programming

The support the Department receives from the Juvenile Justice Committee has been instrumental in helping to strengthen in-detention programming. To date, the Department has earmarked the Fiscal Year 2009 allocation of \$640,000 to fund 13 programs. Of these programs, nine contracts have been registered through the Comptroller's Office and the organizations heading these programs have begun providing their unique services to youth. The Department expects for the remaining contracts to be registered shortly and thanks the Juvenile Justice Committee and Chair Gonzalez for her continued support of in-detention programming.

Conclusion

While the additional PEG reduction is a challenge, the Department will continue to do its part to help the City continue its reform of the Juvenile Justice System. Early signs show that the City is moving in a positive direction—fewer youth are spending extended periods in detention thanks to the Weekend Arraignment. At the same time, the judiciary is making more informative decisions about detention settings for youth who need to be in detention through its usage of the Risk Assessment Instrument. Moving forward along this trajectory will surely increase positive outcomes for youth, as reliance on detention will be further minimized while programs that will help to meet the many needs of court-involved youth and their families are strengthened.

The Department looks forward to continuing our partnership with the Juvenile Justice Committee to bring much needed programs and services to youth in detention

and appreciate the Mayor and Deputy Mayor for Health and Human Service's support of DJJ's strategic initiatives.